THE HON'BLE DR JUSTICE G.YETHIRAJULU

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WRIT PETITION NO : 15669 of 1994

Date:23-09-2005

Between:

The Divisional Manager
A.P.S.R.T.C , Nalgonda Division, Nalgonda.

..... PETITIONER

AND

1 The Presiding Officer
Labour Court -III Nampally , Hyderabad and another.

.....RESPONDENTS

THE HON'BLE Dr. JUSTICE G.YETHIRAJULU

W.P.No.15669 of 1994

ORDER:

This writ petition is filed by the A.P. State Road Transport Corporation seeking a writ of Certiorari by way of directing the first respondent to cause production of the records and to quash
the award of the first respondent in I.D.No.25 of 1992, dated
28-07-1993.

The second respondent worked as a Store Keeper. He also worked in various capacities in the Corporation since 1954.
On 21-08-1982, while he was crossing the security check, the security guard checked the pockets of the second respondent and found certain items of the stores described as 1) Spring shacklepins 2) Thumbler switches and 3) Front hub inner bearing unit, all worth Rs.400/-. The second respondent did not produce any letter of authority to take those items from the stores department. A report was given to the police and a crime was registered against the second respondent for the offence under Section 379 I.P.C.
The criminal trial conducted against him ended in acquittal.

In a departmental enquiry conducted against him, he was found guilty of the charges and removed from service. The second respondent, being aggrieved by the order of the disciplinary authority, approached the first respondent through I.D.No.25 of 1992. The first respondent found the second respondent not guilty of the charges and exonerated him by setting aside the punishment imposed on him directing to reinstate the second respondent into service with continuity of service and attendant benefits through the award

dated 26-04-1993. The petitioner, being aggrieved by the award of the first respondent, preferred this writ petition seeking the reliefs as mentioned above.

The learned counsel for the petitioner submitted that though the second respondent was acquitted by the criminal Court, he need not necessarily be exonerated in the departmental enquiry. Since the strict proof is essential to establish the guilt of the accused in a criminal case, the criminal Court might have given the benefit of doubt to the second respondent, but in the departmental enquiry that much standard of proof, which is required to be made in a criminal case, is not required. Therefore, the material placed by the petitioner during the enquiry is sufficient to find the second respondent guilty of the charge.

The first respondent observed that the criminal Court drew an adverse inference for non-production of key register and the apology letter given by the second respondent to the security guard.
The first respondent further observed that even if the apology letter is produced, the charge framed against the second respondent cannot be accepted on the basis of such letter. The first respondent also observed that on the sole testimony of Ex.MW-2 with several missing links in the material evidence, the liability of the delinquent cannot be fixed. The first respondent further observed that even if the incident was a true case, the manner in which it was done gives a scope to the second respondent to escape from any liability. Unless there is legal evidence to connect the second respondent with theft, the charges cannot be held proved. The first respondent, accordingly, set aside the order of the disciplinary authority.

The learned counsel for the petitioner did not make out any new points during the course of arguments and reiterate as to what was agitated before the Labour Court. Unless there are compelling circumstances to reverse the order of the Labour Court, it is not desirable to interfere with the order of the first respondent.

In the light of the above circumstances, I do not find any grounds to interfere with the impugned order. The writ petition is, accordingly, dismissed. No order as to costs.

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(Dr.G.YETHIRAJULU, J)

Dated 23rd September, 2005.

YCR